

**FEDERAL MARITIME COMMISSION**

**WASHINGTON, D.C.**

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**DOCKET NO. 15-11**

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**IGOR OVCHINNIKOV, ET AL**

**v.**

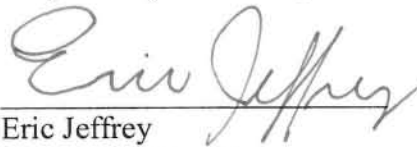
**MICHAEL HITRINOV ET AL**

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**ADDENDUM TO MOTION FOR LEAVE TO SUPPLEMENT RESPONSE**

Pursuant to Rules 69 and 71, Specially-Appearing Respondents move for leave to file the attached Affirmation of Jon Werner supporting the facts set forth in their Motion For Leave to Supplement Response.

Respectfully submitted,



Eric Jeffrey

Harini N. Kidambi

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**FEDERAL MARITIME COMMISSION**

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**DOCKET NO. 15-11**

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**IGOR OVCHINNIKOV, IRINA RZAEVA, and DENIS NEKIPELOV,**

*Complainants.*

**v.**

**MICHAEL HITRINOV a/k/a MICHAEL KHITRINOV,  
EMPIRE UNITED LINES CO., INC., and CARCONT, LTD.**

*Respondents.*

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**AFFIRMATION OF JON WERNER**

Jon Werner, affirms the following to be true under penalties of perjury under 28 U.S.C. § 1746, and says:

1. I am a member of the law firm of Lyons & Flood, LLP which represents Respondents Michael Hitrinov and Empire United Lines Co., Inc. in a matter captioned as *Empire United Lines Co., Inc. v. Baltic Auto Shipping, Inc.*, 15 Civ. 355 (CCC) (MF), pending in the United States District Court for the District of New Jersey (the “Baltic matter”). I have personal knowledge concerning the matters which I state in this affirmation.
2. On Thursday, May 5, 2016, I attended a conference in the Baltic matter together with counsel for Baltic Auto Shipping, Inc., Marcus A. Nussbaum, Esq. and Seth M. Katz, Esq. (Mr. Katz was participating by telephone).
3. During this conference, Mr. Katz made reference to a criminal investigation being underway involving Michael Hitrinov and/or Empire United Lines Co., Inc. When I questioned Mr. Nussbaum regarding the nature of these investigations he initially refused to provide any further details. Only after extended haranguing by the Judge presiding at the conference, did Mr.

Katz agree to disclose the nature of the investigation.


4. What Mr. Katz relayed is that either he or Mr. Nussbaum, on behalf of certain unnamed clients, contacted the U.S. Postal Investigation Service to assert a claim that mail Mr. Nussbaum had directed to Mr. Hitrinov and/or Empire United Lines Co., Inc. in January or February of 2016 had been tampered with such that it was returned as undeliverable with labels on the envelopes defaced or removed in some fashion.

5. Mr. Katz and Mr. Nussbaum refused to disclose the identity of their clients upon whose behalf they made the request for an investigation to be conducted. They also refused to disclose any more particulars regarding the nature of the mail claimed to have been returned as undeliverable.

6. On May 9, 2016, I wrote to Mr. Nussbaum to ask him to provide me with copies of the report or any other documents he or Mr. Katz submitted in connection with the investigation. Mr. Nussbaum did not respond to my request.

The foregoing is true and correct to the best of my knowledge under penalties of perjury under 28 U.S.C. § 1746.

Signed on May \_\_\_\_, 2016

  
Jon Werner

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served the foregoing document via electronic and first-class mail to the following:

Marcus A. Nussbaum, Esq.  
P.O. Box 245599  
Brooklyn, NY 11224  
Marcus.nussbaum@gmail.com

Seth M. Katz, Esq.  
P.O. Box 245599  
Brooklyn, NY 11224

Dated at Washington, DC, this 10<sup>th</sup> day of May, 2016.

  
Eric Jeffrey  
Counsel for Respondents